

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

USA	§	CASE NO. 3:23-cr-00029-40
	§	GALVESTON, TX
VERSUS	§	THURSDAY,
	§	MARCH 28, 2024
JOSE ANGEL GONZALEZ, SR.	§	2:53 PM TO 3:32 PM

DETENTION HEARING

BEFORE THE HONORABLE ANDREW EDISON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE PARTIES:	SEE NEXT PAGE
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APPEARANCES:

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SABRINA DELGADO

JAMES EMMERSON

JOSE ANGEL GONZALES, JR.

1 GALVESTON, TEXAS; THURSDAY, MARCH 28, 2024; 2:53 PM

2 THE COURT: Okay. Let me next call Case 3:23-cr-29-
3 40, United States versus Jose Angel Gonzalez, Sr. Who do we
4 have for the government?

5 MR. CUSICK: Kenneth Cusick, Your Honor.

6 THE COURT: For the Defendant?

7 MS. HUGHES: Heather Hughes here for Mr. Gonzalez,
8 Your Honor.

9 THE COURT: Well, Ms. Hughes, good to see you.

10 MS. HUGHES: Good to see you.

11 THE COURT: Okay. Mr. Gonzalez, can you hear me,
12 sir?

13 MR. GONZALEZ, SR.: Yes. Yes, ma'am. Yes, sir.

14 THE COURT: Okay. Are we ready to proceed with the
15 detention hearing?

16 MS. HUGHES: Yes, Your Honor.

17 MR. CUSICK: Yes, Your Honor.

18 THE COURT: Okay. You all know what I like to do.
19 We'll start with the proffer from the government. Mr. Cusick,
20 who's the witness going to be, sir?

21 MR. CUSICK: Your Honor, the witness available that
22 I'll do the proffer for is DEA Task Force Officer James
23 Emmerson, who's one of the co-case agents in this case.

24 THE COURT: Okay, if you would -- Mr. Emmerson,
25 obviously, please listen closely after Mr. Cusick's proffer. I

1 will swear you in and then ask is your testimony under oath?
2 And if it is, let me know. If any changes need to be made to
3 ensure that the proffer is proved correct and accurate in all
4 respects, please do so. With that said, I'll turn it over to
5 you, Mr. Cusick, for the proffer.

6 MR. CUSICK: Your Honor, one additional item before I
7 begin the proffer, and this will work for the remaining
8 detention hearings that are scheduled before the court in this
9 case. Any references to Title III intercepts of telephone
10 calls were court-authorized, but I have -- in discovery, I'll
11 get a disclosure order before Judge Brown, but for purposes of
12 these preliminary matters, the government would move to add the
13 Court grant permission that I can refer to and talk about
14 intercepted calls on these court-authorized wiretaps.

15 THE COURT: The Court grants permission, not only in
16 this case here today, but all further detention hearings in
17 connection with this overall case.

18 MR. CUSICK: Thank you, Your Honor.

19 THE COURT: Before you go forward, Mr. Cusick, I'm
20 going to enter into the evidence the pretrial report as Exhibit
21 1. Exhibit 1 for this detention hearing will be Mr. Gonzalez's
22 pretrial report, which I have with you. Now, I'll let you
23 proceed. Sorry, sir.

24 (Exhibit 1 entered into evidence)

25 MR. CUSICK: Your Honor, I would point out in the

1 report that on Page 1 that the initial appearance was before
2 Your Honor yesterday and not before Magistrate Judge Dena
3 Palermo, as it says --

4 THE COURT: A lot of people confuse Judge Palermo and
5 myself. We look very similar. So I understand.

6 MR. CUSICK: Yes, Your Honor. Your Honor, Officer
7 Emmerson would testify that he's been in law enforcement --
8 he's worked for approximately 18 years. He's been with the
9 Galveston Police Department and has been a task force officer
10 with the DEA for the past 12 years. He is one of the co-case
11 agents in this case, which the investigation began for it in
12 2018 and continued through 2020.

13 He also would testify that not only did he
14 investigate the case but that he prepared reports and
15 everything that was presented to the US Attorney's Office for
16 presentment of an indictment. And that he's well acquainted
17 with the facts of the case, including certain wiretap or
18 telephone calls that were intercepted through the investigation
19 through court-authorized wiretaps.

20 In this particular case, Mr. Jose Angel Gonzalez,
21 Sr., he's alleged to have participated in the overall drug
22 conspiracy alleged in Count 1 and also in a possession with
23 intent to distribute 1 kilogram of cocaine in Count 50.

24 The activity, the officer would testify that the
25 activities of Mr. Gonzalez as far as this investigation are

1 concerned, the period of time that his involvement was from the
2 perception of the investigation, was around the time of March
3 and April 2020. And as far as Count 50 goes, that on April the
4 22nd, 2020 that Mr. Gonzalez and Mr. Jose Maximiliano Herrera,
5 both bought half kilogram each, for a 1-kilogram total, of
6 cocaine from Christian Mateo Vaca. And that upon delivery of
7 the half kilogram of cocaine to Mr. Gonzalez, Sr., which
8 occurred at his residence in Houston, that he was then -- Mr.
9 Vaca was then paid for the cocaine.

10 Officer Emmerson would also testify that previous to
11 April the 22nd, 2020, approximately three -- couple of weeks
12 before that, that as part of the conspiracy, that Mr. Gonzalez,
13 Sr. purchased nine ounces of cocaine again from Christian Mateo
14 Vaca in Houston, Texas, and then sold it.

15 So in total, the nine ounces plus a half kilogram of
16 cocaine would be the extent of activity that was observed
17 during the investigation of this case and as far as relevant
18 conduct and the allegations in this indictment.

19 In Count 50, conversations occurred between Mr.
20 Gonzalez, Sr., and Mr. Christian Mateo Vaca that were recorded
21 over the wiretap or the intercepted telephone calls. In
22 addition to these calls, there was physical surveillance by the
23 officers in support of the wiretap. And they'd be available to
24 testify as witnesses.

25 Concerning Mr. Gonzalez, Sr.'s danger to the

1 community and risk of flight it would be the opinion of Task
2 Force Officer Emmerson that Mr. Gonzalez, Sr. is a danger to
3 the community and also would be a risk of flight. The basis
4 for dangerousness of the community is based upon the
5 presumption -- the facts as Officer Emmerson knows it from the
6 investigation -- the presumption in the statute, since this is
7 a minimum mandatory, potential maximum punishments for the
8 allegations. But that there are also there's, in the midst of
9 the criminal history that Mr. Gonzalez, Sr. has, there have
10 been several incidents that involve firearms. He's been
11 charged with felon possession of firearm offenses. And more
12 recently, in 2020, regarding the Pasadena, Texas, allegations
13 by that police department, which I believe were ultimately
14 dismissed, there were two firearms seized or found on June
15 25th, 2020. I believe a pistol and assault rifle, as well as
16 approximately a kilogram of cocaine.

17 More recently, like this Tuesday, March 26th, the day
18 Mr. Gonzalez, Sr. was arrested, there were two firearms found
19 in his residence, two pistols. One was under a shirt on a
20 table next to where he was. So it was certainly within
21 reasonable distance of him accessing it.

22 So the government's concern with the nature of the--
23 at least the officer's opinion is based on dangerousness of
24 drug trafficking and distribution activities, the criminal
25 history and also a history of Mr. Gonzalez, Sr. with firearms

1 when he's not supposed to have them. And so that's why I'm
2 arguing that he is definitely a danger to community if he is
3 released, and he should be detained for that alone.

4 As far as risk of flight, the government believes
5 that -- it appears that he became a US citizen in 2011, but
6 that some of the history, at least in the criminal history,
7 shows a previous deportation in August of 2010. In candor to
8 the Court, I believe the last information we had from ICE was
9 that there's, you know, no detainer and that he does, in fact,
10 have status. I'm not clear when it was, the exact date of when
11 he became a US citizen but apparently he has.

12 Nonetheless, the government feels that he has
13 contacts in Mexico and therefore, has the ability if he took
14 flight to seek harbor there and also would have contacts and
15 would not be isolated. Therefore, the government believes he's
16 both a danger community and a risk of flight based on -- in the
17 opinion of the investigating officer, Task Force Officer
18 Emmerson. I would pass the witness, Your Honor.

19 THE COURT: Thank you very much. Agent Emmerson, do
20 me a favor, sir. Lift your right hand. Do you swear the
21 testimony you're going to give in this court proceeding today
22 is the truth, the whole truth, and nothing but the truth so
23 help you, God?

24 AGENT EMMERSON: Yes, sir, I swear.

25 THE COURT: Okay. You heard the proffer that has

1 been made by Mr. Cusick. Is that proffered testimony heard
2 today under penalties?

3 AGENT EMMERSON: Yes, sir, it's true and correct.

4 THE COURT: Okay. Ms. Hughes, the floor is yours.

5 MS. HUGHES: Thank you.

6 CROSS-EXAMINATION OF JAMES EMMERSON

7 BY MS. HUGHES:

8 Q Agent, just to be clear in terms of this case, you believe
9 that Mr. Gonzalez's conduct took place between March and April
10 of 2020?

11 A Correct. Yes, ma'am.

12 Q Okay. And the total amount of drugs that he's responsible
13 for is a half kilo and then nine ounces of cocaine?

14 A Correct. Yes, ma'am.

15 Q What's the total amount of drugs in the overall
16 conspiracy?

17 A It was 550 kilograms of meth; and I believe 250 kilograms
18 of cocaine, maybe 249, 248; 30-something kilograms of heroin;
19 22,000 fentanyl pills; and 5 kilograms of pentobarbital.

20 Q So fair to say that his conduct doesn't extend to the
21 majority of the drugs involved in this case?

22 A What do you mean by that?

23 Q We just spoke about the fact that we're talking about a
24 little bit more than a half kilo in terms of his relevant
25 conduct, right?

1 A Correct.

2 Q And the amount of drugs far exceeds that number, right?

3 A Yes, ma'am. The amount that I just stated that we seized
4 far exceeds the half kilogram, correct.

5 Q So his relevant conduct is a small portion of the overall
6 trafficking?

7 A Based on quantity. Yes.

8 Q Okay. And you mentioned that there were two guns found at
9 the residence. Where was the second gun found?

10 A In the master bedroom?

11 Q And was it in a safe?

12 A I don't know. I wasn't there during the execution of the
13 search warrant.

14 Q Do you have any information to suggest that he is not a
15 citizen of the United States?

16 A No, ma'am.

17 Q And in terms of his role, was he a street-level dealer?
18 Was he a middleman? What was he doing?

19 A As far as roles, as far as how we assign him at the DEA,
20 he would be a distributor.

21 Q And who was he distributing to?

22 A To other clients, other customers. As far as exact names,
23 I don't know. We stopped at his point.

24 Q Okay. But you're saying that in terms of clients, do you
25 mean people, other drug dealers, other individuals?

1 A Yes, ma'am. Based on the quantities, yes. I mean a half
2 kilogram of cocaine is, you know, by far more than any user
3 would use.

4 Q And I guess what I'm asking is you think that he's like a
5 street-level dealer? Is that fair to say?

6 A Correct.

7 MS. HUGHES: May I have a moment, Your Honor?

8 THE COURT: Absolutely.

9 MS. HUGHES: All right. I have no further questions
10 for this witness, Your Honor.

11 THE COURT: Anything further, Mr. Cusick?

12 MR. CUSICK: No, Your Honor.

13 THE COURT: Okay. Any further -- Agent Emmerson, you
14 may step down from the witness stand.

15 THE WITNESS: Thank you.

16 THE COURT: Mr. Cusick, continue, sir.

17 MR. CUSICK: No further witnesses or evidence, Your
18 Honor.

19 THE COURT: Okay. Ms. Hughes, any proffer or
20 evidence?

21 MS. HUGHES: Yes, Your Honor. I would like to
22 proffer the testimony of Mr. Gonzalez's son. That's Jose
23 Gonzalez, Jr. He is here in the courtroom, Your Honor.
24 Mr. Gonzalez, Jr. would tell the Court that he lives in an
25 apartment that he rents, that his father can live with

1 him, that Mr. Gonzalez, Jr. is doing work as an AC
2 technician for Subcool Refrigeration, that there are no
3 guns in his home, that he has a prior deferred
4 adjudication from 2013 for possession of marijuana. He
5 did complete community supervision. He has a dismissed
6 misdemeanor DUI case from 2022. He would also tell the
7 Court that he's aware that his father had a stroke in his
8 sleep about four years ago that slowed him down
9 significantly.

10 The Pretrial Services did verify that information
11 with him. There's not an updated written report, but they
12 did speak with him here in the courtroom this afternoon,
13 Your Honor. He would be willing to sign on the bond and
14 to be a third-party custodian for his father. And that's
15 all the testimony I have, Your Honor.

16 THE COURT: Okay. Let's have argument. Mr. Cusick.

17 MR. CUSICK: Your Honor, it's the government's
18 position that with the criminal history and the
19 circumstances identified in the Pretrial Services report,
20 the involvement of firearms, not only just the possession
21 but in proximity to other illegal activities such as the
22 allegations in this case, the government strongly feels
23 this Defendant is a danger to the community demonstrated
24 by it's not just something that happened this week or on
25 and during April 2020, but the overall picture with his

1 criminal history and the involvement of firearms and
2 drugs. As he's facing a minimum mandatory in this case
3 for these charges, it's 10 to life on Count 1, so the
4 government feels that that's an incentive to take flight.
5 He was from Mexico. Has been back there. He may be in
6 the United States legally now, but the government feels
7 that there's the potential that he could disappear and it
8 would be a lot harder to get him if he went back to
9 Mexico. So the government feels he should be detained
10 pending trial in this case.

11 THE COURT: Okay. Let me ask you this. There was
12 testimony that there were two firearms found in his
13 residence when he was arrested on March 26. Is that
14 something he should not have been in possession of because
15 he's a convicted felon?

16 MR. CUSICK: Yes, Your Honor. He was a prohibited
17 person, so he should not have had any firearms.

18 THE COURT: Okay. Anything further, Mr. Cusick?

19 MR. CUSICK: No, Your Honor.

20 THE COURT: Ms. Hughes.

21 MS. HUGHES: Yes, Your Honor. First, I want to start
22 with risk of flight, there's no detainer --

23 THE COURT: Don't even bother with risk of flight. I
24 don't think the government has met its burden on risk of
25 flight.

1 MS. HUGHES: Okay. Thank you, Your Honor. Then I
2 will turn to dangerousness in this case. I would point
3 out that there were guns found in his home but not on his
4 person when he was arrested. We have no testimony that
5 there was any type of guns on him during any of these drug
6 transactions. The reality of this situation is that he is
7 a minor player in this case. At most, he is something
8 akin to a street-level dealer.

9 There's no indication that he exhibited violence of
10 any kind throughout this case. It was a very short period
11 of time. We're talking about 1 to 2 months at most. And
12 the case is remote in time, Your Honor. This happened
13 back in 2020. It's now 2024.

14 Mr. Gonzalez has family support. He has a legitimate
15 job where he is working both as an Uber driver and as a
16 carpenter for the Union 551. He can make money. He can
17 live with his son who is prepared to be responsible to the
18 Court, as well as financially responsible by signing on
19 the bond for him.

20 And the government hasn't met its burden to show that
21 he is such a danger to the community that he cannot be
22 released under any circumstances. The Court could impose
23 a GPS monitor, home incarceration, and with that strict
24 level of supervision, if anything should go wrong, it's
25 not going to be long until he's back before this Court,

1 which frankly we don't think is going to be necessary
2 anyways, Your Honor.

3 And so for all those reasons and based on his role
4 and what he's charged with here, we would ask the Court to
5 release him on bond.

6 THE COURT: How do you address the gun issue? That's
7 what causes me the concern, in all candor. He shouldn't
8 have the guns. He's living with a significant other and
9 her 11-year-old daughter. He's got two weapons in the
10 house that he certainly shouldn't have. Why isn't that --

11 MS. HUGHES: And, Your Honor, we are going to address
12 the gun issue by having him live in a different residence
13 than where he was previously at the time. Clearly, that
14 was an issue. There were guns in that home, but we are
15 going to have him live with his son who has verified that
16 he has no guns in the home.

17 Mr. Gonzalez is well aware that as a condition of
18 release, he is not going to be allowed to have a gun and
19 that if he tries to break the rules, his son is going to
20 be responsible for reporting him.

21 THE COURT: But he knew as a convicted felon, he
22 shouldn't have the guns in the first place. Right?

23 MS. HUGHES: Yes, Your Honor, he should have known
24 that. Obviously under Texas law, the rules are different
25 for when felons can possess a weapon. That doesn't mean

1 that it was legal under federal law, but that can be a
2 source of confusion for people. The Court can make very
3 clear to him that he cannot have a weapon. And again,
4 there's no indication that he ever used a gun in
5 connection with any sort of drug offense.

6 The only gun charge he has is a felon in possession
7 of a firearm. So again, that is not someone who is using
8 a gun, who is exhibiting it, who is brandishing it, who is
9 furthering any sort of criminal activity. And so while,
10 yes, he did have a gun and he should not have had one,
11 with the change in residence, with the admonishment from
12 the Court, with the supervision of his adult son, and in
13 view of how the criminal history reflects a lack of
14 violence with guns, there is enough here for the Court to
15 say he is not a danger to the community solely based on
16 the guns being in the home at the time of the arrest.

17 THE COURT: Okay. Anything further, Mr. Cusick?

18 MR. CUSICK: No, Your Honor. The defense had quite
19 an education with firearms, Your Honor. In 2004, he was
20 convicted federally. That was, the indictment was
21 dismissed without prejudice in 2007, but he was charged
22 with possession of a firearm by an alien and felon in
23 possession of a firearm. So, going through that process,
24 he had more than the normal education the normal citizen
25 would get about possessing and when not to possess

1 firearms.

2 THE COURT: Okay, let me do this. Let me take one
3 minute. I want to take a look at one thing. So let's go
4 off the record. I'll be right back.

5 (Recess)

6 THE COURT: Let's go back on the record. Thank you
7 very much for your patience. (indiscernible) the
8 government's request that Mr. Gonzalez be held in custody
9 pending trial of this case. I appreciate the presentation
10 of evidence and arguments here today.

11 Obviously, the government is seeking detention on two
12 reasons: first, risk of flight; second, danger to the
13 community. Just upfront, I think that Ms. Hughes' proffer
14 is sufficient to overcome the presumption. This is a
15 presumption case. The question is, has the government met
16 its burden?

17 On the flight issue, the government, by preponderance
18 of the evidence, there is no condition or combination of
19 conditions that would deal with the flight issues. I just
20 -- he's a US citizen. He's been here since he was a
21 child. He's got virtually all his loved ones are here in
22 Houston. Yes, he faces a significant time if convicted,
23 but I think there are conditions that I could impose. And
24 I do not think the government has met its burden on risk
25 of flight.

1 I think this case turns on whether or not Mr.
2 Gonzalez is a danger to the community. In all candor, I
3 think this is a close call.

4 On one hand, obviously, he's found with two firearms
5 in his residence that he should not have. He should have
6 known he should not have them and obviously, with the
7 underlying drug conspiracy and possession charges.

8 At the same time, you know, he is innocent until
9 proven guilty and he was not a threat -- not a threat --
10 or allegation that he used the weapon or that the weapons
11 were involved in the commission of an alleged crime.

12 At the end of the day on this one, although it is
13 close, I think that there are conditions that I can impose
14 to alleviate any danger to the community, pretty strict
15 requirements. So I'm going to allow the Defendant to be
16 released, but I am going to impose onerous requirements on
17 him.

18 Let me ask from Pretrial. Have you talked to the
19 younger Gonzalez, Jr., who I understand is in the court?
20 I'm curious would he qualify as a third-party custodian?

21 MS. DELGADO: Your Honor, Sabrina Delgado with
22 Pretrial Services. From what I was relayed, he does have
23 prior criminal history, so he would not qualify with our
24 requirements.

25 MS. HUGHES: And, Your Honor, I can speak to that

1 because I spoke with the Pretrial Services Officer who was
2 in the courtroom. Like I mentioned, he has a deferred
3 adjudication from 2013 for possession of marijuana and he
4 has a dismissed DWI -- yeah, a dismissed DWI charge from
5 2022.

6 THE COURT: Okay. So I could -- I mean I guess he
7 wouldn't technically meet the standard that usually
8 Pretrial does, but I could appoint him as a third-party
9 custodian.

10 MS. HUGHES: Yes, Your Honor.

11 THE COURT: Okay. I mean, could you have the younger
12 Gonzalez come forward to the microphone? I'd like to chat
13 with him for a second.

14 THE COURT: Hello, sir.

15 MR. GONZALEZ, JR.: How are you doing?

16 THE COURT: Your full name is Jose --

17 MR. GONZALEZ, JR.: Angel Gonzalez, Jr.

18 THE COURT: Okay. And what is your address, sir?

19 MR. GONZALEZ, JR.: 11327 Blackhawk Drive, Houston,
20 Texas 77089.

21 THE COURT: Okay. And your phone number, sir?

22 MR. GONZALEZ, JR.: 832-537-1533.

23 THE COURT: I'm sorry, I can't write that fast. 832

24 --

25 MR. GONZALEZ, JR.: 537-1533.

1 THE COURT: Okay. Here's what I'm going to do, sir.
2 I'm going to go over in a second with your father the
3 conditions that I'm going to order on release. But one of
4 the things I'm going to do is I'm going to have him live
5 with you at your house. I understand that's okay,
6 correct?

7 MR. GONZALEZ, JR.: Yes, sir.

8 THE COURT: What I'm going to order is that he has to
9 stay there basically all the time unless he has medical
10 care, unless he has to go to work, or unless he has to go
11 to court appearances. Would there be any problem with
12 that?

13 MR. GONZALEZ, JR.: No, sir.

14 THE COURT: Okay. The other thing is I'm going to
15 make you the third-party custodian, which means it's going
16 to be your responsibility to make sure that he complies
17 with these obligations. And I know, you know, I don't
18 want, you don't want, no one wants your dad to be in
19 custody pending the trial this case. And as a result, if
20 you are aware that he has violated any of these
21 conditions, it's going to be your responsibility to notify
22 Pretrial Services. Do you understand that?

23 MR. GONZALEZ, JR.: Yes, sir, she did tell me that.

24 THE COURT: Okay. And the other thing is I want to
25 make sure that, you know, you'll be responsible for making

1 sure that he attends all court appearances as needed and
2 as required. Understood?

3 MR. GONZALEZ: Yes, sir.

4 THE COURT: Okay. Any questions for me?

5 MR. GONZALEZ, JR.: No.

6 THE COURT: Okay. Thank you very much. If you would
7 have a seat, we'll get you to sign some paperwork in a few
8 moments. Mr. Gonzalez, Sr. --

9 MR. GONZALEZ, SR.: Yes, sir.

10 THE COURT: Senior, here's what I'm going to do. I'm
11 going to allow you to be released --

12 MR. GONZALEZ, SR.: Yes, sir.

13 THE COURT: -- however, with the following
14 conditions, okay? If you violate any of these conditions,
15 no matter how minute, I fully expect the government to be
16 back in here asking you be held in custody, and make no
17 mistake, I'm giving you a chance now. If you violate any
18 of these conditions, you should fully expect to be in
19 custody pending trial of this case. Do you understand
20 that, sir?

21 MR. GONZALEZ, SR.: Yes, sir.

22 THE COURT: Any questions for me before we begin?

23 MS. HUGHES: One moment, Your Honor, he's asking me a
24 question. Just one second.

25 THE COURT: Okay.

1 MR. GONZALEZ, SR.: No, everything's fine, sir.

2 THE COURT: Okay. Here are the conditions. And
3 please listen to these closely. At the end, I'm going to
4 ask you if you understand them. If you do, let me know.
5 If you have any questions, obviously, let me know.

6 Okay. First of all, you must not violate any
7 federal, state, or local law while on release. You must
8 not intimidate, attempt to intimidate a witness or
9 obstruct justice. You have to appear in court as
10 required, surrender to serve any sentence. I'm going to
11 order that you sign a \$50,000 unsecured bond, which means
12 in the event if you violate any of these conditions,
13 you'll be responsible for paying up to \$50,000.

14 I'm going to have you placed in the custody of your
15 son, which means that you will be required to live at
16 11327 Blackhawk Drive.

17 In addition, you're going to have to report to
18 Pretrial Services. Someone from that office will be in
19 touch with you. You are required to maintain or actively
20 seek full-time, verifiable employment.

21 One second. If you have a passport, you need to
22 surrender that immediately to Pretrial Services. You may
23 obtain no further passport at all. You are going to be
24 limited to travel -- I should have asked. 7709 is Harris
25 County, correct?

1 MS. HUGHES: Yes, Your Honor.

2 THE COURT: Okay. We're going to be limited to --
3 was there any reason he would need to go beyond Harris
4 County?

5 MS. HUGHES: No, Your Honor.

6 THE COURT: Harris County is as far as you can go
7 with some more restrictions I'll talk about in a second.
8 You are to avoid all contact, directly or indirectly, with
9 any person who is or may become a victim or potential
10 witness. That includes any of the roughly 40 codefendants
11 in this case.

12 You are to refrain from possessing a firearm,
13 destructive device, or other dangerous weapons. And I
14 know your son, you know, make sure there's no weapons in
15 the home at all. No possession of a firearm.

16 You may not have excessive use of alcohol. You have
17 to refrain from the use or unlawful possession of a
18 narcotic drug or other controlled substance unless
19 prescribed by a doctor. You're required to submit to any
20 testing required by Pretrial Services to determine whether
21 you're using a prohibited substance.

22 In addition, I'm going to have an ankle monitor put
23 on you. To the extent you can afford it, you will be
24 required to pay any of the cost to that. And I'm going to
25 have you limited to home detention, which specifically

1 means that you'll be restricted to that house as one -- or
2 the residence of 11327 Blackhawk Drive at all times,
3 except for employment, education, medical, substance
4 abuse, mental health treatment, court appearances or
5 attorney visits or any other thing that is pre-approved --
6 and I emphasize pre-approved -- by Pretrial Services.

7 Also, you need to immediately report any contact you
8 have with law enforcement to Pretrial Services. In other
9 words, if you're in a car and you get pulled over, you
10 might not do anything wrong, just make sure Pretrial
11 Services hears from you, not from law enforcement that
12 you've had any contact with law enforcement. Before I go
13 any further, sir, do you understand those conditions as I
14 have explained?

15 MR. GONZALEZ, SR.: Yes, sir.

16 THE COURT: Okay. Anything else from Pretrial, the
17 government or the Defendant that you believe should be
18 added or subtracted?

19 MR. CUSICK: Your Honor, concerning the employment,
20 you said the exceptions. You listed the exceptions.
21 Otherwise, he's detained at the address you listed. As
22 far as these jobs go, as an Uber driver, Union carpenter,
23 or a game attendant, Pasadena, Texas, game room attendant,
24 are there hours restrictions on when he can perform those
25 employments such as 8 to 5? Because the government would

1 be opposed to him being an Uber driver 24 hours a day.

2 THE COURT: Yes, that's an excellent point. Ms.
3 Hughes, what's your thoughts on that?

4 MS. HUGHES: Your Honor, we're not opposed to
5 reasonable restrictions. Maybe being in the house from 7
6 p.m. to 7 a.m. would be reasonable.

7 THE COURT: Okay. Here's the additional condition
8 that I'm going to impose. I'm going to write -- Mr.
9 Cusick makes a good point. You work as a carpenter, a
10 Uber driver. So I'm just going to say no employment
11 between 7 p.m. and 7 a.m. daily.

12 In other words, if you are, in fact, working as an
13 Uber driver, you can do it, but it can't be after 7 p.m.
14 or before 7 a.m. And if you're not working as an Uber
15 driver, you cannot be out of the residence unless
16 obviously for medical, court appearances, or something
17 like that. Understand, sir?

18 MR. GONZALEZ, SR.: Yes, sir.

19 THE COURT: Mr. Cusick, does that resolve that issue?

20 MR. CUSICK: Yes, sir.

21 THE COURT: Pretrial Services, please.

22 MS. DELGADO: Yes, Your Honor. So just to clarify,
23 and I apologize if I missed it, but did we order report
24 contact with law enforcement?

25 THE COURT: Yes, we did it. Or I did.

1 MS. DELGADO: Okay. I think that was it, Your Honor.
2 Thank you.

3 THE COURT: Okay, thank you very much. Okay. Let me
4 say this, Mr. Gonzalez, if you have any questions about
5 what you can or can't do, please reach out to Pretrial
6 Services, reach out to your lawyer. You got a great
7 lawyer. Don't come back later if there's any violation
8 and say, oh, I didn't realize it.

9 Don't ask for forgiveness afterwards. Make sure you
10 know what you can and can't do ahead of time. I will
11 issue these conditions in a written order that your lawyer
12 can give to you. Please review that carefully.
13 Understand, sir?

14 MR. GONZALEZ, SR.: Yes, sir.

15 THE COURT: Okay, I will issue -- when I'm finished
16 this paperwork, I will provide it to my case manager. We
17 will get this signed. And as I say, if you violate these
18 conditions one iota, you should fully expect to be held in
19 custody. And I thank your son. And Mr. Gonzalez, Jr.,
20 obviously, make sure your dad complies with these
21 obligations. Okay. Anything else we need to address
22 today?

23 MR. CUSICK: Not from the government, Your Honor.

24 MS. HUGHES: No, Your Honor.

25 THE COURT: Okay. Thank you all very much. I'll get

1 this paperwork completed. Everyone have a great day and
2 we're off the record.

3 (Hearing adjourned at 3:32 PM)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde". The signature is written in dark ink and is positioned above the printed name.

Sonya Ledanski Hyde

Veritext Legal Solutions

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Date: November 4, 2024